



CITY OF BRUNSWICK

1 W. Potomac Street • Brunswick, Maryland 21716 • (301) 834-7500

Brunswick Board of Appeals Minutes February 23, 2006

Commission Members Present: Chair Wayne Hawes, Secretary Barbara Baker, and Patty O'Brien, Alternate.

Mayor & Council Present: None.

Staff Present: City P & Z Administrator Rick Stup, Development Review Planner Jeff Love, and City Attorney David Severn.

Chair Hawes called the meeting to order at 7:00 PM.

Minutes:

The minutes for the September 22, 2005 meeting were reviewed and approved with a minor amendment, (motion by Ms. Baker and seconded by Ms. O'Brien, passed Yea 3 Nay 0).

Chairman:

Mr. Stup announced that Ms. Page was out of town and would not be in attendance.

Mr. Stup reviewed the Special Exception & Variance Process Chart and the Board concurred with it for posting and distribution.

Old Business: None.

New Business:

Zoning – Variance

Keith & Courtney Brown - Request for a Variance from the Lot Area, Setbacks and Parking Requirements for the existing duplex dwelling in order to subdivide the property into two lots, located at 110 & 112 North First Avenue, on corner of North First Avenue and Alley No. 28 (Tax Map 202, Parcel 1067). Zoned R-1, BR-BOA-06-01-V

Chairman swore in those wishing to testify on the case.

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Staff Presentation

Mr. Stup read the case file into the record, stating that there had been a problem with the Public Notice. Mr. Severn indicated that the case would need to be continued but the Board could hear the case, Staff Report, and take testimony, but a final decision could not be determined tonight. Mr. Stup stated that since there were so many problems with the information, it would be good if the Applicant heard the Staff Report and could question the Board and Staff. Staff also suggested and agreed to proceed with the case as indicated by the City Attorney.

Mr. Love presented the Data Sheet (Copy Attached) to include the following requested Variances: 8.5' Variance from the Required 10' Side Yard Setback for a Single Family Dwelling for Proposed Lot 7-A; +/- 43.5' from the Required 60' Lot Width for a Single family Dwelling on Proposed Lot 7-A; +/- 4,212 sq. ft. Variance from the Required 6,000 sq. ft. of Lot Area for a Single Family Dwelling for Proposed Lot 7-A; +/- 42.5' Variance from the Required 60' Lot Width for a Single family Dwelling on Proposed Lot 6-A; +/- 4,204 sq. ft. Variance from the Required 6,000 sq. ft. for a Single Family Dwelling; and a 2 Off-Street Parking Variance from the Required 2 Off-Street Parking Spaces for Proposed Lot 6-A. Additionally, it was stated that there appeared to be additional information and Variances that are needed.

If the Board is considering the approval of some variance, the following conditions should be considered for that approval:

- State the correct Variances that are being requested and revise the Exhibit to reflect those Variances.
- Adequate clarification must be provided to the Board with regard to the Building Dimensions and the Building Dimensions need to be noted on the Exhibit.
- It is undeterminable to verify from the Exhibit what the relationship of the existing structure is to the Lot Lines. Therefore, the Applicant must clearly state the length of Variance requests with those offsets shown on the Exhibit.
- Applicant must satisfactorily demonstrate to the Board that there is adequate Open Space/Green Space not to include Parking to justify the Variance requests.
- Applicant should adequately demonstrate to the Board that in event of redevelopment there would be sufficient area for construction without the need for future variances.
- The Applicant should provide evidence of the inability to provide the required Off-Street Parking or adequately mitigate the effect of not providing all of the Off-Street Parking.
- The Applicant may need to consider modifying their specific requests for Variances.
- Because of the age of the existing improvements and the conversion of a single lot into two lots of significantly less required area, the Applicant should provide adequate proposals to mitigate maintenance for the adjoining and abutting structures on the proposed lots.
- The Applicant may need to modify the request for the needed Variances.

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Staff Presentation Cont.

- Planning Commission review screening and various easement issues.
- The Applicant bound by their testimony.

Then comments from the Chief of Police recommending denial of the Parking Variance were read into the record. At the Chair's request, Mr. Love read the other agency comments into the record even though they did not pertain to the case subject matter.

Mr. Severn added that the Board's authority for the Variance also was found under Section 24.8, B of the Zoning Ordinance.

Mr. Love answered questions addressing the application, Justification Statement, Exhibit and the Staff Report.

Applicant:

Mr. Keith Brown, Applicant, presented his case, and answers to some of Staff concerns.

He also answered Board questions with regard to the accuracy of the information, what was specifically requested, his justification for the request and the applications.

Testimony In Support: None.

Testimony In Opposition: None.

Additional Relevant Testimony:

Staff clarified some of the applicant's testimony and commented on some of his remarks to correct the record.

Rebuttal:

Mr. Brown stated that he didn't totally understand the criteria for the Variance, and asked that he be permitted to address the concerns of the Board and in the Staff Report. He concurred with a six-month continuance if the Board was inclined to grant one.

Decision

Ms. Baker made a motion to continue the case until August 24, 2006 during which the Applicant was to address the following:

1. Board and Staff Concerns.
2. Investigate mitigation of the Parking Variance Request.
3. Investigate Maintenance and Access Easements.
4. Inaccuracy of the Exhibits.
5. Address the specific criteria for Variance Approval by the Board in the Justification Document as it relates to the case.

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6. Amend the Applications as suggested by the City Attorney.
7. Applicant to re-post the property.
8. Staff to re-advertise at no cost to the Applicant

; Ms. O'Brien seconded the motion.

VOTE: Yea 3 Nay 0

Board Matters:

Mr. Stup indicated that there will be a meeting March 23, 2006 if the filed case meets the submission requirements.

Public Comment:

None.

Adjournment:

The meeting was adjourned at: 9:00 PM.

Respectfully submitted,

Barbara Jean Baker, Secretary
Brunswick Board of Appeals